

IN THE WEEDS

WITH COLORADO WORKS POLICY

A Colorado Works/CDHS Newsletter

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OLD WORLD RULES

A. Assistance Unit

The definitions of the various mandatory members of an Assistance Unit and special circumstances regarding eligibility related to an Assistance Unit are scattered throughout the sections and are often unclear and/or repeated. Furthermore, it is difficult to clearly differentiate the different criteria for members of an Assistance Unit versus members of a budgetary unit (i.e. the people on the case and those whose income and expenses are considered.) The rules provide no flexibility to expedite the addition of a newborn to a case.

B. Specified Caretaker

The definition of a specified caretaker is separate from the Assistance Unit, presenting strict guidelines for determining if/how a person qualifies as a specified caretaker. No exceptions are allowed for exercising prudence in identifying a caretaker relationship.

C. Dependent Child

The definition for a dependent child only allows for children between ages 18 and 19 who are enrolled full-time in high school or an equivalent vocational-technical training program. No exception is made for students who are pursuing a GED.

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INTRODUCING A "BRAVE NEW WORLD" OF RULES

Among the September 2012 Colorado Works rule changes are several important changes to the definition of the components of an Assistance Unit.

A. Assistance Unit

The revised rules streamline the information regarding Assistance Units, presenting much clearer language to explain the parameters of a unit, including the mandatory members who must be included in the Assistance Unit both for eligibility and payment. An important change discretely clarifies the criteria for members of an Assistance Unit and for members of the budgetary unit. The ability to separate units remains in the revised rule.

An Assistance Unit consists of members of the household who live together and whose income and other circumstances are considered in order to determine eligibility and payment.

- Mandatory members include dependent children, parents, specified caretakers (other than a parent) requesting aid, siblings, and half-siblings.
- There are two exceptions to the mandatory inclusion of siblings in an Assistance Unit: 1) a half-sibling receiving Child Support; or 2) a sibling with an established court order or adoption.
- A parent living in the home of a specified caretaker and retaining legal custody of his/her child is a mandatory member of the Assistance Unit.

A budgetary unit consists of those members of the Assistance Unit and others in the household whose income and expenses are considered in the determination of eligibility and payment calculation.

- The budgetary unit includes all the members of the Assistance Unit, plus additional members to include step parents (with no common child in the Assistance Unit), expectant parents, an unborn child of a verified pregnancy, and a parent who no longer has legal custody of a child, yet lives in the home.
- The budgetary unit excludes a specified caretaker, if that individual chooses not to receive assistance, and individuals who are receiving SSI cash payments.

The revised rule describes new, acceptable reasons for an Assistance Unit to remain eligible to receive assistance while a specified caretaker or dependent child is out of the home for longer than 45 days. Valid reasons include: 1) education or medical care requires the child to live away from the home; 2) the child is visiting a noncustodial parent for up to six months, as specified in a parenting plan or mutual agreement in the absence of a parenting plan; or 3) the child is in voluntary Foster Care placement.

Regulations regarding minor parents have been updated:

- To receive assistance, a minor must be living in the home of a parent or in a county-approved setting. In cases where the living criteria are not satisfactory, the county shall assist the applicant in finding a county-approved setting.
- A minor living with a parent or in a county-approved setting will receive assistance as a child, unless the minor has a marital status of married, divorced or separated or if the minor is emancipated.
- A minor parent with a child who is 12 weeks of age or older is required to participate in high school or an equivalent activity to remain eligible for assistance. Minor parents over

age 16 must be participating in an eligible school activity within 60 days of the initial assessment; parents under age 16 must be participating within 60 days of the eligibility interview.

- A case should not be denied if a minor child is a) not living with a parent or in a county-approved setting, or b) not attending high school or equivalent activity. In both situations, the county should help the minor child meet the criteria to continue Colorado Works eligibility.

Finally, new changes to the rules allow a county department to expedite the addition of a newborn to a case, when a pregnancy has previously been verified, by only requiring verification of the date of birth and receipt of a SSN or an application for a SSN.

B. Specified Caretaker

In the new rules, the program requirements and hierarchy have been moved to the section of the rule defining the Assistance Unit. A significant change is allowing for the prudent person principle (PPP) theory to be used in determining responsibility for a dependent child. Applying the prudent person theory allows for a caseworker to make reasonable judgment, based on program knowledge and experience, in making a certification decision in cases where the delineation is not clear.

C. Dependent Child

The most significant change in the rules regarding eligibility of dependent children is that children under age 19 participating in a GED or other high school equivalency program are considered eligible dependent children in the Assistance Unit. After age 18, a dependent child making progress towards a high school diploma, vocational-technical credential, or GED, is eligible until age 19 or through the month of completion if that is between age 18 and 19. The Assistance Unit must demonstrate that the child is expected to complete the diploma/credential before his/her 19th birthday. Income of a dependent child in school or an equivalent activity will not be considered when determining eligibility and payment for the Assistance Unit.

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TECHNICALLY SPEAKING...HOW DOES IT WORK?

A. Assistance Unit

There are many scenarios of how an Assistance Unit may be composed, each with implications of how the information is entered into CBMS. Following is some guidance on entering some of the more complicated scenarios:

- In cases with married parents, each with their own child and no children in common the household can be approved as two one-parent + child(ren) units, or as a two-parent + children unit. To process a case as a 2+2 household, the data is entered as usual, with a case special indicator of "2 Parent Household" that must be entered at the Special Indicator screen.
- If a specified caretaker, exerting responsibility for a child, also has the parent of that child and any other children of the parent living in the home, the Assistance Unit would include the caretaker and child, with the child's mother as a budgetary member. In CBMS, the "exercises responsibility" must be checked for the caretaker; the parent of the child would be checked as an ancillary member. If the parent has any income, that would be deemed

to the Assistance Unit through a manual calculation. The net amount received by the specified caretaker would be entered as unearned income using the unearned income type of "CW – Deemed Income of Excluded Parent." Note that this unearned income type is only countable on the Colorado Works case; it is exempt for all other programs. The caretaker's income must be entered the normal way so that eligibility can be correctly determined for other programs.

- A minor parent who applies for assistance and is not enrolled in school or an equivalent activity has 60 days to enroll, as described above. Those 60 calendar days must be tracked manually. If, by the 60th day, the minor parent is not enrolled in a suitable school activity, Colorado Works must be discontinued using the "Failed to Cooperate with Eligibility" non-compliance reason. Be sure to factor in timely noticing in determining the effective begin date of the non-compliance record.
- In the instance of a caretaker choosing to adopt one sibling from a sibling pair/group, that adoption effectively severs the sibling relationship. To exclude the non-adopted child(ren) from the Assistance Unit, go to the Household Relationship screen and change the siblings' relationship from sister/brother to "unrelated." However, the caretaker can choose to include the non-adopted child(ren) as a specified caretaker. In this case, make sure the "exercises responsibility for" box is checked between the caretaker and the un-adopted child(ren).

B. Specified Caretaker

There are no CBMS impacts regarding the specified caretaker rule change. Collateral Contact should continue to be selected. (A pending change will add Prudent Principle to the RT table, making it available to be selected in the drop-down list.)

C. Dependent Child

To include a dependent child between age 18 and 19 and pursuing a high school diploma, GED, or vocational-technical credential, the worker should select "High School" in the student detail window. If the activity is a GED or vocational-technical education, case comments should describe the correct activity.

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DRUM ROLL, PLEASE...

These rule changes in the definition of the various components of an Assistance Unit are good news for both families and county workers.

- Promotes family stability by aiding customers to receive and maintain benefits.
- Reduces caseworker time and stress by streamlining definitions and presenting clear definitions of the mandatory members of an Assistance Unit and the budgetary unit.
- Reduces unnecessary burdens on new parents by simplifying and expediting the enrollment of a newborn child on a case.
- Supports minor parents to remain eligible while finding suitable living arrangements and schooling.
- Recognizes workers' competence by allowing the use of the Prudent Person principle.
- Supports worker-customer interaction by presenting clear definitions of the complicated components of an Assistance Unit.

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